UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION DOCKET NO. 1:16-cv-00043-MOC-DLH

CAREY A CRESPO BEVERLY CRESPO,)
Plaintiff,)
Vs.) ORDER
BANK OF AMERICA, N.A.; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; AND OCWEN LOAN SERVICING, LLC,)))))
Defendants.)

THIS MATTER is before the Court on review of a Memorandum and Recommendation issued in this matter. In the Memorandum and Recommendation, the magistrate judge advised the parties of the right to file objections within 14 days, all in accordance with 28, United States Code, Section 636(b)(1)(c). Earlier, this Court allowed plaintiffs additional time file Objections, but such extended deadline has well passed. No objections have been filed within the time allowed.

I. Applicable Standard of Review

The Federal Magistrates Act of 1979, as amended, provides that "a district court shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); Camby v. Davis, 718 F.2d 198, 200 (4th Cir.1983). However, "when objections to strictly legal issues are raised and no factual issues are challenged, de novo review of the record may be dispensed with." Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). Similarly, de novo review is not required by the statute "when a party makes general or conclusory objections that do not direct the court to a specific

error in the magistrate judge's proposed findings and recommendations." Id. Moreover, the statute

does not on its face require any review at all of issues that are not the subject of an objection.

Thomas v. Arn, 474 U.S. 140, 149 (1985); Camby, 718 F.2d at 200. Nonetheless, a district judge

is responsible for the final determination and outcome of the case, and accordingly the Court has

conducted a careful review of the magistrate judge's recommendation.

II. **Discussion**

After such careful review, the Court determines that the recommendation of the magistrate

judge is fully consistent with and supported by current law. Further, the brief factual background

and recitation of issues is supported by the applicable pleadings. Based on such determinations,

the Court will fully affirm the Memorandum and Recommendation and grant relief in accordance

therewith.

ORDER

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation (#39) is

AFFIRMED, the Motions to Dismiss (# 33) and (# 35) are GRANTED, and the claims against

remaining Defendants BANK OF AMERICA, N.A.; MORTGAGE ELECTRONIC

REGISTRATION SYSTEMS, INC.; and OCWEN LOAN SERVICING, LLC, are

DISMISSED without prejudice pursuant to Federal Rules of Civil Procedure 4 and 12(b)(2),

(b)(4), (b)(5) and for failure to comply with this Court's prior orders directing Plaintiffs to properly

serve their pleadings.

The Clerk of Court is instructed to terminate this action.

Signed: March 8, 2018

Max O. Cogburn J. United States District Judge